

REMARKS

In the Office Action, claims 13 and 14 are rejected under 35 U.S.C. § 112, second paragraph; and claims 7 and 8 have been rejected under 35 U.S.C. § 102. Claims 7, 10 and 11 have been amended; and claims 1-6 and 9 have been canceled without prejudice or disclaimer. Applicants believe that the rejections have been overcome in view of the reasons set forth below.

In the Office Action, claims 7 and 8 have been rejected under 35 U.S.C. § 102. More specifically, claim 7 has been rejected in view of U.S. Patent No. 5,728,485 ("Watanabe"); claims 7 and 8 have been rejected in view of U.S. Patent No. 4,594,297 ("Polak"); claims 7 and 8 have been rejected in view of U.S. Patent No. 5,141,604 ("Ayers"); and claims 7 and 8 have been rejected in view of U.S. Patent No. 5,897,766 ("Kawatsu"). As previously discussed, claim 7 has been amended. As amended, independent claim 7 essentially incorporates the limitations as defined in claim 9 which the Examiner has considered allowable subject matter. See, Office Action, page 4. Claims 10 and 11 were amended for dependency changes as claim 9 has been canceled without prejudice or disclaimer. Claims 1-6 were also canceled without prejudice or disclaimer as these claims had been previously withdrawn in response to a restriction requirement. Thus, Applicants believe that the pending claims should be considered allowable over the cited art made of record.

Accordingly, Applicants respectfully request that the anticipation rejections be withdrawn.

In the Office Action, claims 13 and 14 have been rejected under 35 U.S.C. § 112, second paragraph. The Patent Office alleges that there is insufficient antecedent basis for the claim term "the fine particles" as defined in claim 13.

In response, Applicants believe that there is sufficient antecedent basis for this claim term as independent claim 7 recites the claim term "a plurality of fine particles." Claim 13 depends directly from claim 7. Thus, Applicants believe that the requirements pursuant to 35 U.S.C. § 112, second paragraph, have been satisfied.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Thomas C. Basso
Reg. No. 46,541
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4310

Dated: June 2, 2004